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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,120	07/31/2003	Stefan Mueller	13911-042001 / 2002P10157	1844
32864	7590	07/20/2006	EXAMINER	
FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			PANNALA, SATHYANARAYA R	
			ART UNIT	PAPER NUMBER
			2164	

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,120

Applicant(s)

MUELLER ET AL.

Examiner

Sathyanarayan Pannala

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-11,18-21 and 23- 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-11,18-21 and 23- 29 is/are rejected.
- 7) ☒ Claim(s) 5,6,23 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/12/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Application No. 10/632120 filed on 5/10/2006 has been entered with amended claims 1, 5, 8, 19 and 23, canceled claims 4, 12-17 and 22, and new added claims 26-29. In this Office Action, claims 1-3, 5-11, 18-21 and 23- 29 are pending.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 5/12/2006 is in compliance with the provisions of 37 CFR 1.97 and has been considered by the examiner.

Specification

3. The title of the invention "Semantic Objects" is objected because it is very broad not specific to the invention and it should be descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

4. Claims 5-6 and 23-24 are objected because of the following informalities: Claims 5-6 are depending on a cancelled claim 4 and claims 23-24 are depending on a cancelled claim 22. To continue prosecution, Examiner assumed that claims 5-6 are

depending on claim 1 and claims 23-24 are depending on claim 19. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 19-25 are rejected under 35 U.S.C. § 101, because none of the claims are directed to statutory subject matter. Independent claim 19 is directed to an article for manufacture comprising a computer readable medium all non-statutory subject matter.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Tabbara et al. (US Patent 6,460,043) hereinafter Tabbara.

9. As per independent claims 1, 19, Tabbara teaches method for querying data stored on a computer includes creating a dictionary of conceptual information and physical information about data (col. 3, lines 7-12). Tabbara teaches the claimed, receiving from an application a semantic request having a request name that semantically identifies a type of information sought by the request (Fig. 4c, col. 8, lines 14-18, lines 24-26 and lines 32-34). Tabbara teaches the claimed, converting the received semantic request to a generic request having corresponding request parameters (Fig. 4c, col. 8, line 64 to col. 9, line 28). Tabbara teaches the claimed, transmitting the converted request to a data access system (Fig. 3, col. 6, lines 45-48). Tabbara teaches the claimed, receiving data from the data access system corresponding to the converted request (Fig. 3, 9, col. 11, lines 29-42). Tabbara teaches the claimed, providing the data to the application (Fig. 4A, col. 7, lines 23-28). Tabbara teaches the claimed, initiating a creation of an object for receiving and converting the semantic request (Fig. 44, col. 39, lines 13-15). Tabbara teaches the claimed, opening a database connection within a data access system corresponding to the semantic request (Fig. 44, col. 39, lines 11-12). Tabbara teaches the claimed, requesting

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properties of data corresponding to the semantic request, if a database connection has not previously been opened (Fig. 44, col. 40, lines 8-12).

10. As per dependent claims 2, 20, Tabbara teaches the claimed, typecasting the data received from the data access system before providing the data to the application (Fig. 9, col. 11, lines 29-42).

11. As per dependent claims 3, 21, Tabbara teaches the claimed, the semantic request comprises a uniform resource identifier (Fig. 4b, col. 8, lines 4-10).

12. As per dependent claims 5, 23, Tabbara teaches the claimed, the object is a group object configured to access information about groups of entities (Fig. 8B, col. 11, lines 1-4).

13. As per dependent claims 6, 24, Tabbara teaches the claimed, the created object requests the properties of a resource corresponding to the converted request (col. 14, lines 32-35).

14. As per dependent claims 7, 25, Tabbara teaches the claimed, the converted request comprises parameters corresponding to, but not present in, the semantic request (col. 14, lines 36-39).

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15. As per independent claim 8, Tabbara teaches method for querying data stored on a computer includes creating a dictionary of conceptual information and physical information about data (col. 3, lines 7-12). Tabbara teaches the claimed, receiving a generic data access command for communicating with a data access system (Fig. 3, col. 6, lines 37-42). Tabbara teaches the claimed, creating a semantic data access command that corresponds to the generic data access command (Fig. 4C, col. 8, lines 11-26, and col. 17, lines 61-67). Tabbara teaches the claimed, and providing a semantic object configured to receive the semantic data access command from an application (Fig. 3, col. 8, lines 27-34). Tabbara teaches the claimed, provide a corresponding generic data access command to a data access system (Fig. 5B, col. 8, lines 64-66).

16. As per dependent claim 9, Tabbara teaches the claimed, the semantic data access command comprises a uniform resource identifier (Fig. 4b, col. 8, lines 4-10).

17. As per dependent claim 10, Tabbara teaches the claimed, the semantic object is configured to open a database connection corresponding to the semantic data access command and request properties of data corresponding to the semantic data access command, if a database connection has not previously been opened (Fig. 3, 5B, col. 8, lines 24-34).

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18. As per dependent claim 11, Tabbara teaches the claimed, the generic data access command comprises parameters corresponding to, but not present in, the semantic data access command (col. 14, lines 36-39).

19. The system of claim 18, Tabbara teaches the claimed, a portal that provides access to the user applications (Fig. 2, col. 6, lines 7-11).

20. As per independent claim 26, Tabbara teaches method for querying data stored on a computer includes creating a dictionary of conceptual information and physical information about data (col. 3, lines 7-12). Tabbara teaches the claimed, receiving a generic data access command for communicating with a data access system (Fig. 3, col. 6, lines 37-42). Tabbara teaches the claimed, creating a semantic data access command that corresponds to the generic data access command (Fig. 4C, col. 8, lines 11-26, and col. 17, lines 61-67). Tabbara teaches the claimed, providing a semantic object configured to receive the semantic data access command from an application (Fig. 3, col. 8, lines 27-34). Tabbara teaches the claimed, provide a corresponding generic data access command to a data access system (Fig. 5B, col. 8, lines 64-66).

21. As per dependent claim 27, Tabbara teaches the claimed, the semantic data access command comprises a uniform resource identifier (Fig. 4b, col. 8, lines 4-10).

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22. As per dependent claim 28, Tabbara teaches the claimed, the semantic object is configured to open a database connection corresponding to the semantic data access command and request properties of data corresponding to the semantic data access command, if a database connection has not previously been opened (Fig. 3, 5B, col. 8, lines 24-34).

23. As per dependent claim 29, Tabbara teaches the claimed, the generic data access command comprises parameters corresponding to but not present in the semantic data access command (col. 14, lines 36-39).

Response to Arguments

24. Applicant's arguments filed on 5/10/2006 have been fully considered but they are not persuasive and details as follows:

a) Applicant's argument stated as "It is believed that the rejection to claim 19 was based on the fact that the claim did not recite that the machine readable instructions were tangibly embodied."

In response to the Applicant argument, Examiner disagrees with the Applicant's belief because by adding a word will not overcome the claim rejection of non-statutory. The specification on page17, lines 1-3 is "a machine-readable medium that receives machine instructions as a machine-readable signal." The

claims amendment should be very specific to overcome specification or the specification should be amended.

b) Applicant's argument stated as "Tabbara fails to disclose initiating a creation..." (see Amendment page 9, paragraph last).

In response to the Applicant argument, Examiner disagrees with the Applicant's belief because, Tabbara do teach the amended part of claims 1 and 19 (see Fig. 44, col. 39-40).

c) Applicant's argument stated as "Claims 8 and 26 recite receiving a generic data access commands..." (see Amendment page 10, paragraph third).

In response to the Applicant argument, Examiner disagrees with the Applicant's belief because, Tabbara do teach the claim 8 and as well as the newly added claim 26. For example, Tabbara teaches the limitation "receiving a generic data access command for communicating with a data access system" as the consumer application 10 provides a conceptual query language (CQL) query 61 to the DSL 62, which in turn initiates one or more physical queries 16, such as DML queries, that are supplied to provider 12 (Fig. 3, col. 6, lines 37-42).

Conclusion

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sathyanarayan Pannala
Examiner
Art Unit 2164

srp
July 18, 2006